

EXHIBIT V

From: [Steve Schwarz](#)
To: [Maria T. Mastriano](#); [Christopher Betke](#)
Cc: [Teagan C. Dolan](#); ["Jaclyn Wanemaker"](#); [Shirley M. Marsh](#)
Subject: RE: [External] Marcellin and Hollowell v. Staples
Date: Tuesday, May 30, 2023 6:03:59 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

Maria

Do you have any dates? If not, I think we have to move forward with asking the Judge for an amended order ASAP.

Steve

Stephen G. Schwarz, Esq.
Managing Partner

WE'VE MOVED!

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From: Maria T. Mastriano <mmastriano@pmtlawfirm.com>
Sent: Wednesday, May 24, 2023 11:12 AM
To: Steve Schwarz <sschwarz@faraci.com>; Christopher Betke <cbetke@coughlinbetke.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; Shirley M. Marsh <smarsh@pmtlawfirm.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

[EXTERNAL: This email originated from outside of the organization.]

I'll check into it and get back to you ASAP.

Thanks.
Maria

From: Steve Schwarz <sschwarz@faraci.com>
Sent: Wednesday, May 24, 2023 10:31 AM
To: Christopher Betke <cbetke@coughlinbetke.com>; Maria T. Mastriano <mmastriano@pmtlawfirm.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; Shirley M. Marsh <smarsh@pmtlawfirm.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

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Can you produce the 30b6 witness that first week of August as well Maria?

Stephen G. Schwarz, Esq.
Managing Partner

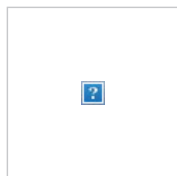
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From: Christopher Betke <cbetke@coughlinbetke.com>
Sent: Wednesday, May 24, 2023 10:28 AM
To: Maria T. Mastriano <mmastriano@pmtlawfirm.com>; Steve Schwarz <sschwarz@faraci.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; Shirley M. Marsh <smarsh@pmtlawfirm.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

[EXTERNAL: This email originated from outside of the organization.]

Do we need a date for Staples too?

CHRISTOPHER G. BETKE

PARTNER

DIRECT DIAL: (617)988-8047
cbetke@coughlinbetke.com

COUGHLIN•BETKE LLP

Massachusetts | Connecticut | New Hampshire | New York | Rhode Island

From: Maria T. Mastriano <mmastriano@pmtlawfirm.com>
Sent: Wednesday, May 24, 2023 10:23 AM
To: 'Steve Schwarz' <sschwarz@faraci.com>; Christopher Betke <cbetke@coughlinbetke.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; Shirley M. Marsh <smarsh@pmtlawfirm.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

Good Morning,

I am available as follows:

- Plaintiff – July 6th and 7th
- HP – August 2nd and 3rd

Thanks.
Maria

From: Steve Schwarz <sschwarz@faraci.com>
Sent: Wednesday, May 24, 2023 10:16 AM
To: Christopher Betke <cbetke@coughlinbetke.com>; Maria T. Mastriano <mmastriano@pmtlawfirm.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

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All three of those dates are currently clear for me. Pick whichever one works for you.

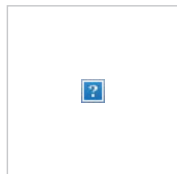
Stephen G. Schwarz, Esq.
Managing Partner

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From: Christopher Betke <cbetke@coughlinbetke.com>
Sent: Wednesday, May 24, 2023 10:06 AM
To: Steve Schwarz <sschwarz@faraci.com>; 'Maria T. Mastriano' <mmastriano@pmtlawfirm.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>
Subject: RE: [External] Marcellin and Hollowell v. Staples

[EXTERNAL: This email originated from outside of the organization.]

We would propose August 2, 3 or 4 at 7 am ET/7 pm Taiwan time for the HP deposition via zoom. Please let me know which date works. Thanks. Chris

CHRISTOPHER G. BETKE

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DIRECT DIAL: (617)988-8047

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From: Steve Schwarz <sschwarz@faraci.com>
Sent: Wednesday, May 24, 2023 9:59 AM
To: 'Maria T. Mastriano' <mmastriano@pmtlawfirm.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>; Christopher Betke <cbetke@coughlinbetke.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>
Subject: RE: Marcellin and Hollowell v. Staples

Maria

If you don't get back to me by the end of the day tomorrow with availability for rescheduling the Plaintiffs' depositions in July, we are going to set dates. Chris has been waiting on dates before submitting the consent motion to extend the Scheduling Order and the current Order expires next week. Please respond by the end of the day tomorrow. If the dates we choose turn out not to be good for you, we are not going to agree to adjourn them again.

Thank you.

Steve

raci_email



Stephen G. Schwarz, Esq.
Managing Partner

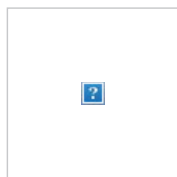
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From: Steve Schwarz
Sent: Friday, May 19, 2023 6:00 AM
To: Maria T. Mastriano <mmastriano@pmtlawfirm.com>
Cc: Teagan C. Dolan <TDolan@faraci.com>
Subject: RE: Marcellin and Hollowell v. Staples

Maria

Please get back to me with your availability in July so I can get dates set for Plaintiffs' depositions.

Steve

raci_email



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From: Steve Schwarz

Sent: Monday, May 15, 2023 4:49 PM

To: Maria T. Mastriano <mmastriano@pmtlawfirm.com>

Cc: Teagan C. Dolan <TDolan@faraci.com>

Subject: Marcellin and Hollowell v. Staples

Maria

Here are the word versions of the outstanding discovery demands to your clien. We also sent a deficiency letter on the first demands without a response. If you can't locate that, let me know and I can send it again.

I want to be able to tell my clients a date for their depositions so please check your schedule for July and let me know what dates are in or out.

Thanks

Steve

raci_email

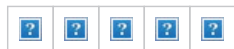


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From: [Steve Schwarz](#)
To: [Christopher Betke](#)
Cc: [Teagan C. Dolan](#)
Subject: RE: Marcellin
Date: Monday, May 15, 2023 4:40:29 PM
Attachments: [Second Set of Interrogatories to HP.docx](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[Second Request for Documents to HP.docx](#)
[image001.png](#)

Here you go. I will follow up with Maria on a date for Plaintiff's depositions in July.

Stephen G. Schwarz, Esq.
Managing Partner

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From: Christopher Betke <cbetke@coughlinbetke.com>
Sent: Monday, May 15, 2023 9:31 AM
To: Steve Schwarz <sschwarz@faraci.com>
Cc: Teagan C. Dolan <tdolan@faraci.com>
Subject: [External] Marcellin

[EXTERNAL: This email originated from outside of the organization.]

Reminder to send me the word version of your second set of discovery requests to make our lives a little easier in answering them.
Thanks! Chris

CHRISTOPHER G. BETKE

PARTNER

*Admitted in MA, NH and NY

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From: [Christopher Betke](#)
To: [Steve Schwarz](#); "[Jaclyn Wanemaker](#)"; "[Maria T. Mastriano](#)"
Cc: [Matthew Belanger](#); [Teagan C. Dolan](#)
Subject: [External] RE: [External] Marcellin and Estate of Hollowell v. HP and Staples - Second Request to Schedule Meet and Confer on Outstanding Discovery
Date: Thursday, May 11, 2023 10:30:26 PM
Attachments: [image001.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image002.png](#)
[GRM - Marcellin - SN CNF0520ND1 reg.pdf](#)

[EXTERNAL: This email originated from outside of the organization.]

Hi Steve:

In the same spirit of cooperation and good-will demonstrated by your email.

With respect to your second set of interrogatories:

1. Given the age of the laptop at issue, we have been unable to locate this information.
2. See the attached screenshot for the laptop registration identifying Carol Marcellin as the registered owner of the laptop. I intend to have the attached bates-stamped and will make this a formal response.

Obviously, we will make the formal, sworn response but I figured since you were kind enough to make the informal email response below, I would do the same.

With respect to the documents, I believe that you already have some of them, but I have not been able to sync my schedule to my contact in Taiwan to identify the location of the technical documents within our prior production. I just don't have the science down well enough to do that. Also, given the age of the product I will need more time to try and run-down other documents, if any. I apologize for that. However, I assume that you will be agreeable in granting us additional time since, after all, we kindly extended the courtesy to you when the deadline passed to disclose your expert reports. Of course, I do not believe you should be prejudiced by our need for more time so I will agree that we should extend out the deadlines. I think we will have to do that anyway to address the issue related to the depositions being taken off and needing to be put back on..

Talk tomorrow. Thanks all!

Best, Chris

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From: Steve Schwarz <sschwarz@faraci.com>

Sent: Thursday, May 11, 2023 6:42 PM

To: Christopher Betke <cbetke@coughlinbetke.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; 'Maria T. Mastriano' <mmastriano@pmtlawfirm.com>

Cc: Matthew Belanger <mbelanger@faraci.com>; Teagan C. Dolan <tdolan@faraci.com>

Subject: RE: [External] Marcellin and Estate of Hollowell v. HP and Staples - Second Request to Schedule Meet and Confer on Outstanding Discovery

In advance of our meet and confer tomorrow, I wanted to respond to your email below in writing:

1. Plaintiff Marcellin is retired, but we will serve second amended interrogatory answers making that clear;
2. We have previously produced all reports and other documents related to the fire produced by these witnesses, but we will specifically state that in the second amended interrogatory answers;
3. We will provide more detailed answers regarding the loss of services and guidance for each distributee in the second amended interrogatory answers;
4. Plaintiff believes there was an ambulance bill and a hospital bill related to decedent after the fire. We will look for these and will also check to see if Medicare paid for any of them and there is a lien. If we cannot locate the bills, we will request copies and also provide

you with authorizations to do the same.

5. Plaintiffs will provide a more detailed answer to Interrogatory #11 concerning decedent's pre-existing conditions prior to his death.
6. Plaintiffs' amended interrogatory answer to Interrogatory # 12 already states Plaintiffs' belief that the laptop purchased from Staples was actually a refurbished computer and not a new computer, although Plaintiff Carol Marcellin was unaware of this at the time of purchase. As there is no dispute that the battery in the laptop at the time of the fire was not the original battery, Plaintiff will answer this interrogatory in the second amended answers to make it clear that Plaintiff Carol Marcellin did not alter or modify the laptop after purchase but it was altered by someone after HP manufactured it and before she purchased it by replacement of the battery.
7. As stated above, we do believe the battery was changed and do not think this is in dispute. It is Plaintiffs' contention that the battery in the laptop when Plaintiff Carol Marcellin purchased it was the same battery in the laptop when the fire occurred and was never changed while she owned it. We will make that clear in our second amended interrogatory answer to this interrogatory.
8. Plaintiffs will amend this answer to state affirmatively she had no problems with the laptop until the evening of the fire.
9. Plaintiffs will affirmatively state they have never had any direct communication with representatives of HP.
10. Plaintiff Carol Marcellin will provide such account credentials once we work out agreements that you will advise us as soon as you have accessed whatever records you seek so we can change her passwords.
11. Plaintiffs will provide a more detailed answer to Interrogatory # 25. It will indicate that the computer Plaintiff Carol Marcellin utilized before she purchased the subject laptop was a Comaq laptop she purchased new sometime in the 1990s. She had replaced the battery in that laptop once before retiring it to a closet in her office after she purchased the subject laptop and before the fire. The contents of that closet were destroyed in the fire so no inspection is possible.

We look forward to your cooperation in providing the outstanding discovery requested of your clients as soon as possible to avoid unnecessary motion practice. We expect you will be prepared tomorrow during our meet and confer to affirmatively state when this discovery will be produced.

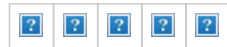
Thank you.

Stephen G. Schwarz, Esq.
Managing Partner

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From: Christopher Betke <cbetke@coughlinbetke.com>

Sent: Monday, May 8, 2023 9:23 AM

To: Steve Schwarz <sschwarz@faraci.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; 'Maria T. Mastriano' <mmastriano@pmtlawfirm.com>

Cc: Matthew Belanger <mbelanger@faraci.com>; Teagan C. Dolan <tdolan@faraci.com>

Subject: RE: [External] Marcellin and Estate of Hollowell v. HP and Staples - Second Request to Schedule Meet and Confer on Outstanding Discovery

[EXTERNAL: This email originated from outside of the organization.]

Dear Steve:

In advance of any call. I am writing to request supplementation pertaining to plaintiff's answers to interrogatories as follows:

1. Int #1. Please provide Ms. Marcellin's current employer and occupation. If she is not employed, please so state. We can

reserve her DOB for her deposition.

2. Int #2. Please identify any documents that concern, involve, or relate to the witnesses identified.
3. Int #4. Please supplement the description of the alleged damages being sought. The current answer indicates that Plaintiffs plan to seek the pecuniary value of the loss of decedent's services and loss of guidance to the distributees. However, there is no description whatsoever much less the requested detail. For example, at a minimum, Plaintiffs should describe the nature of decedent's services and guidance that was provided that was lost as a result of the incident. Of course, if Plaintiffs can place a monetary value on them, please do so. However, even if Plaintiffs plan to rely solely on an expert in that regard, we are entitled to know the factual basis upon which any expert would rely in calculating said damages.
4. Int #9. If Plaintiffs do not plan to seek recovery for said medical expenses, please clearly state that. Otherwise, please provide the amount of Plaintiffs alleged medical expenses.
5. Int #11. We appreciate that Plaintiffs provided medical authorizations, but we are entitled to Plaintiffs' recitation of their knowledge of Mr. Hollowell's disabilities and other health related issues in a sworn statement. We are reasonable people and we do not expect Plaintiffs to identify every scratch that Mr. Hollowell had in the preceding 10 years. However, we believe it fair for Plaintiffs to provide a statement regarding significant health issues that Mr. Hollowell suffered from which can reasonably be said to have impacted his ability to provide services and guidance to Plaintiffs and, thus, are relevant to Plaintiffs' recoverable damages. If Plaintiffs do not believe that Mr. Hollowell suffered from any health issues besides his "broken spine" that impacted his ability to provide "services" and "guidance" to them in the 10 years preceding this incident, they should so state.
6. Int #12. Plaintiffs answered an interrogatory that was not asked. HP asked whether Plaintiffs contended that the Products was "maintained, modified, altered, ..." from its original condition "from the time it allegedly left the possession or control of [HP]. However, Plaintiff answered the question as if we asked only about alterations "after the initial sale." We request supplementation to include whether Plaintiffs believe they purchased the Product in new or used/refurbished condition. Note, we are asking Plaintiffs contention, not for Plaintiffs to provide an expert opinion.
7. Int. #15. Same point as item 6 above. We are asking Plaintiffs contention – do they believe the batteries/cells were original to the Product or do they have reason to believe they were changed. We are entitled to know whether the battery pack/cells were changed to their knowledge. This is a fundamental issue in the case.
8. Int #18. Since the interrogatory is directed to Plaintiffs what is the basis for Ms. Marcellin's answer to be "upon information and belief"? Presumably, she knows whether she did or did not have problems with the computer.
9. Int #20. We are not sure what the objection is here. Did Plaintiffs communicate with HP regarding the Incident or injury? If they did, we are entitled to know the details. If not, please just say so.
10. Int #25. We requested the identity of account credentials for various on-line sellers so that we can obtain relevant evidence directly from them regarding purchases involving computer equipment and component parts (battery packs/cells) as opposed to simply relying on Plaintiffs' memory thereof. Please provide. This is even more important now that plaintiff has changed the date on when she purchased the answers to interrogatories.
11. Finally, we note in Answer to int #25 that Plaintiffs bought a "replacement battery for *the* Compaq laptop." First, what Compaq laptop? Second, we request that the replacement battery and the Compaq laptop be preserved and retained in evidence. We would also like an opportunity to physically inspect both items (replacement battery and Compaq laptop). Please state where these pieces of evidence are presently.

Thank you for your consideration of the foregoing. Please let me know if you would like to discuss.

Best, Chris

CHRISTOPHER G. BETKE

PARTNER

DIRECT DIAL: (617)988-8047

cbetke@coughlinbetke.com

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From: Steve Schwarz <sschwarz@faraci.com>

Sent: Monday, May 8, 2023 9:16 AM

To: Christopher Betke <cbetke@coughlinbetke.com>; 'Jaclyn Wanemaker' <jwanemaker@smithsovik.com>; 'Maria T. Mastriano' <mmastriano@pmtlawfirm.com>

Cc: Matthew Belanger <mbelanger@faraci.com>; Teagan C. Dolan <tdolan@faraci.com>

Subject: RE: Marcellin and Estate of Hollowell v. HP and Staples - Second Request to Schedule Meet and Confer on Outstanding Discovery

Please provide dates and times for a meet and confer to discuss the outstanding discovery responses from your clients. Thank you.

| **Stephen G. Schwarz, Esq.**

raci_email



Managing Partner

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From: Steve Schwarz

Sent: Thursday, May 4, 2023 2:19 PM

To: Christopher Betke <cbetke@coughlinbetke.com>; Jaclyn Wanemaker <jwanemaker@smithsovik.com>; Maria T. Mastriano <mmastriano@pmtlawfirm.com>

Cc: Matthew Belanger <mbelanger@faraci.com>; Teagan C. Dolan <TDolan@faraci.com>

Subject: Marcellin and Estate of Hollowell v. HP and Staples

Counsel

Plaintiffs served their Second Requests for Production and Second Set of Interrogatories on Defendants on March 29, 2023. More than thirty days have elapsed since service and no responses have been served. Please provide dates next week for a meet and confer to discuss when this discovery will be produced and when we can reschedule the depositions of the plaintiffs, and the Rule 30(b)(6) depositions of defendants. Motions to compel must be filed by May 31 and fact discovery is scheduled to conclude on June 30. We are obviously not going to complete fact discovery by that date, so we also need to discuss an extension of those deadlines. Please provide dates for a meet and confer next week at your earliest convenience.

Steve

raci_email



Stephen G. Schwarz, Esq.

Managing Partner

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